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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

14 UNITED STATES OF AMERICA, ) 2:06-cr-00367-HDM-PAL  
15 Plaintiff, ) 2:12-cv-02132-HDM  
16 vs. ) ORDER  
17 ELLIOTT DAUGHERTY, )  
18 Defendant. )

19 On December 13, 2012, defendant filed a second motion for  
20 relief pursuant to 28 U.S.C. § 2255 (#73). Defendant's first §  
21 2255 motion was denied by the court on March 16, 2009. The court  
22 may not consider a second or successive § 2255 motion absent a  
23 certificate from the Court of Appeals authorizing it to do so. 28  
24 U.S.C. § 2255(h); *id.* § 2244; *United States v. Washington*, 653 F.3d  
25 1057, 1065 (9th Cir. 2011). No such certificate has been filed in  
26 this case, and in fact defendant admits his request for such has  
27 been denied. (Def. Mot. 1). Accordingly, as the Ninth Circuit has

1 not authorized the filing of a second or successive § 2255 petition  
2 in this case, this court is without jurisdiction to entertain  
3 defendant's second § 2255 petition and the petition (#73) must  
4 therefore be dismissed.

5 DATED: This 17th day of December, 2012.

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7 UNITED STATES DISTRICT JUDGE  
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